

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Robert A. Delitta Individually and on behalf
of others similarly situated

Plaintiffs by,
Permissive Joinder,

-against-

City of Mount Vernon New York,
Municipal Corporation

Defendants.
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**STIPULATION OF
SIMILARLY SITUATED
EMPLOYEES**

07-cv-09441

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties that the "similarly situated" class of individuals who are eligible to be Opt-In Plaintiffs in the above-captioned litigation shall be defined as any current or former police officer employed by the City of Mount Vernon at any time between February 6, 2005 through February 6, 2008 who was/is a member of the bargaining unit represented by The Police Association of the City of Mount Vernon and who held/holds the rank of police officer assigned to uniform patrol duties;

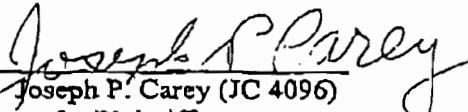
IT IS FURTHER STIPULATED AND AGREED, that the "similarly situated" class does not include any current or former police officer employed by the City of Mount Vernon who does not have uniform patrol duties including but not limited to Detectives, Sergeants, Lieutenants or Captains;

17824.1 3/28/2008


IT IS FURTHER STIPULATED AND AGREED, that the City of Mount Vernon shall provide Joseph P. Carey, Esq. with a list of all names and last known addresses of the "similarly situated" class within fourteen (14) working days after this Stipulation is So-Ordered and that Mr. Carey may mail all such individuals appearing on the list a Notice of Lawsuit with Opportunity to Join ("Notice") after such Notice has been So-Ordered by this Court.

Dated: New York, New York
March 26, 2008

JOSEPH P. CAREY, P.C.


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So-Ordered:


The Honorable Charles L. Bricant, U.S.D.J.

Dated: April 2, 2008

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